

The defendant and argued that the restoration of Alm. Mills had been accepted by the Court, and Mr. Davis elected to accept it now to fit the vacant seat. He also stated to the defendant, at neither of the two meetings he had resided in the Ninth Ward, and were therefore not directly interested. Mr. Winslow quoted authority to me to state his position, and after argument the Court reversed its former decision.

**THE COURTS.**—The Kings County General Term of the Supreme Court, before Judge Strong, and Louis Birn, Esq., James Frost and Wm. Mitchell, Justices, advanced on Friday, having add'd 50 days since during term.

The trial of Dr. John C. H. Smith, Saturday, before Judge Merle, who the Grand Jury made their final presentment of indictment, and were discharged for the term.

**CORONER'S INQUIRIES.**—Coroner Bodding held an inquest on Saturday upon William H. Smith, recently 100 years old, who died of natural death. Also, upon the body of Maria Kilkenny, in Johnson street, between Broadway and Main Streets, who died of congestion of the brain. Verdict in accordance.

**NARLY FROZEN.**—A soldier belonging to Governor's Island was found nearly frozen to death on the dock of a sloop Hobkirk's wharf on Thursday night. He had been mistaken for a thief and shot at but missed. The man had no relatives attended to, and was conveyed to his quarters with very little prospect of his recovery.

**WARNING TO BOYS.**—On Saturday last four young boys were arrested by the police for throwing chunks of ice and snow-balls at the windows of the Public School houses in Tech street. After being incarcerated in the cells a few hours they were discharged.

**PIRE.**—A fire broke out about 8 o'clock on Saturday night in the cloth factory of Abbott & Co., in Bergen street, near West. The upper part was occupied as a mission school. Damage trifling. Fire extinguished by the Third District Police.

**BAREK'S SHOP ROBBED.**—The baker's shop on the corner of Johnson and Tilney streets was feloniously entered on Saturday evening, and a sum of \$60. The proprietor was sitting in the back room at the time.

**CHANGE IN THE POLICE FORCE.**—William Bridget has been appointed policeman in the First Ward in place of George W. Larke, removed.

**ROBBERY.**—The store No. 67 Myrtle avenue was entered yesterday morning while the family were at breakfast, and a box containing jewelry and money amounting to \$1,000 in value was stolen.

## NEW-JERSEY ITEMS.

**THE GAS COMPANY AND COMMON COINS.**—The difference between the Jersey City Gas Company and the consumers is due to the terms at which gas is supplied for lighting the streets and to private consumers has not yet been settled, and no contract has yet been effected for lighting the streets. An amendment of the Constitution of the Company, authorizing the Board of Directors to issue bonds of up to \$100,000, was passed Nov. 18, 1851, giving this Company permission to lay their pipes in the streets. The resolution of Ald. Tyrell had been laid upon the table, and he gave notice that he should call up the resolution at the next meeting of the Council.

**THE STATE PRISON.**—The Annual Report of the Managers and Keepers of the State Prison of New Jersey shows that the State has imposed a tax upon the State. According to this report, there is a deficiency in the two years of \$11,600, but this does not include the salaries, which would make the amount for that period at least \$20,000. This, when compared with the amount of \$10,000 for the year 1855, shows a great increase. There is one other point which this report suggests. It seems that during the past year fifty-three pardons have been granted by the Court of Pardons, and yet the public are entirely ignorant of the matter.

The amount of banking capital applied for by the Legislature of New Jersey is nearly four millions of dollars.

A Convention of Printers and Publishers of New-Jersey is proposed to be held at Trenton on the second Wednesday of Feb. next.

## LAW INTELLIGENCE.

**SUPERIOR COURT—GENERAL TERM—JAN. 25.—Present all day.**

Judge McWilliams and John Mason. Judgment entered upon the report of the Referee must be reversed; and judgment dismissing the complaint be rendered with costs.

**SPECIAL TERM.—Before Judge DURE.**

**THE BALM OF A THOUSAND FLOWERS.**

Wm. P. Fitchard agt. Frederick C. Wells, et al. An injunction was granted some time ago in this suit, restraining the defendant from selling an article called "Balm of a Thousand Flowers," manufactured by R. H. Rice of Boston, on the plaintiff's representations, and affidavit that it was an infringement of a trade mark and an imitation of the cosmetic owned by plaintiff.

A motion to dissolve this injunction was urged at great length on the hearing, and decided this morning in favor of the defendant, but without costs.

The Court held that neither party was entitled to relief in a Court of Equity, under the rule that "he who asks the aid of a Court of Equity must come into it with clean hands"—a maxim as old as the Court itself. The counsel for the plaintiff had contended that that rule did not apply to the case in hand, inasmuch as nobody was deceived by the representations of their client.

We give an outline of the principal points of the decision:

1. If the question before the Court depended solely on the label, which is the exact counterpart of that of Fitchard & Co., the motion would be denied. But such is not the case.

2. The plaintiff has no right or title to the name of "Balm of a Thousand Flowers," as his compound is a fraud on the public, since it is nothing but soap, while the name indicates it to be the aromatic distillation of flowers.

3. The plaintiff's declaration that he paid \$10,000 for the recipe is false, and by parading the same before the world he is defrauding the public.

4. The envelope around the bottle is a fraud, for, if we are to believe it, one need neither be sick, nor die, nor grow old, except at his own option. In discussing this point Judge Dure waxed quite merry over the defendant.

5. The defendant is not entitled to costs, as he is also defrauding the public. Both parties are quacks; both compounds are humbugs. For plaintiff, Brown, Hall & Vaudreuil and E. W. Stoughton; for defendant, Bischford, Seward & Girard.

6. Plaintiff, W. H. Green.

Motion denied, with \$50 costs, without prejudice to my other or future application.

Bishopsgate agt. Wright & Jevett.

Phoenix Oil and Candle Co. agt. Keystone Insurance Co.

Motion to set aside default judgment, but without costs, and order stay of execution.

Before Judge Newson.

Bethel agt. Abraham G. Crato.

The adjustment will be vacated; the costs to be remitted on the usual notice.

**SUPERIOR COURT—SPECIAL TERM—JAN. 24.—Before Judge CLERKE.**

**A RAILROAD IN TROUBLE.**

Thos. J. Beets et al.

This was a motion to dissolve an injunction, heretofore issued by the court, forbidding the further selling of certain bonds issued by the Scioto and Herkimer Valley Railroad Company, and hypothecated to the Canadasigns and Elmira Railroad Company in payment for bonds of the latter's fifth issue. The ground on which the injunction proceeded is that such fifth issue was fraudulent, on account of the insolvency of the Company, and because plaintiff's assignee was induced to purchase \$10,000 of these bonds by fraudulent representations, &c. The averments charging fraud are denied. E. W. Stoughton and H. M. Hyde for plaintiff; Abijah Mann, Jr., for defendants. Decision reserved.

**CIRCUIT.—Before Judge DURE.**

**THE CASE OF ASSAULT AND BATTERY ON AN ALBANY BOAT.**—On this morning a trial of the plaintiff for assault and battery, reported in this paper, the jury returned a verdict for \$50 damages.

**SUPERIOR COURT—CIRCUIT—JAN. 25.—Before Judge DURE.**

RATHER PETTY.

John Roberts agt. Edward Phillips et al.

This is a case of assault and battery. The plaintiff, who is a bookseller, on the 18th of December last, called on the defendant, at his stoneyard, in Hamilton avenue, Brooklyn, in search of a job. The defendant refused to employ him, and ordered him to leave the yard, or he'd boot him out. After some hard words between the parties, they went out—the plaintiff, rather, daring the defendant to come upon the sidewalk. The plaintiff then took hold of the lapel of the defendant's coat, on which the latter struck him, and they went at it, tooth and nail, until they were finally separated by bystanders. The case turned upon the question of prosecution for the defendant's blow. Verdict for plaintiff for \$10. Thomas B. Barnaby for plaintiff; Brainard & Rice for defendant.

**GENERAL COURT—Before Judge CLARK.**

Eliza Taylor agt. Wm. H. Cox.

In this case of assault and battery on an Albany boat, reported in this morning's TRIBUNE, the jury returned a verdict for the plaintiff of \$50 damages.

**SUPERIOR COURT—CIRCUIT—JAN. 25.—Before Judge DURE.**

RATHER PETTY.

John Roberts agt. Edward Phillips et al.

Judgment of specific performance, and complaint dismissed, et al.

J. C. T. and Co. and David Parsons et al.

Allowance of \$70 to plaintiff, with costs.

Salmon Stebbins agt. Leolu Soakoly.

New trial denied, and judgment affirmed.

Wm. O'Brien agt. Victor B. Post et al.

Default judgment. Complaint dismissed. Leaves open to review.

James Taylor agt. Dennis J. Evans et al.

Judgment for plaintiff for \$3,350 50. Allowance,

Report confirmed.

R. H. Cummings agt. Chas. M. Graham.

Motion denied.

In the name of G. A. Troutman, a lessee.

Report confirmed.

Before Judge MITCHELL.

Daniel W. T. et al. Trustee, et al. Edward Phillips et al. Judgment for plaintiff.

Judgment to be settled.

E. Roberts agt. A. Higgins et al.

Judgment of specific performance, and complaint dismissed, et al.

J. C. T. and Co. and David Parsons et al.

Allowance of \$70 to plaintiff, with costs.

Salmon Stebbins agt. Leolu Soakoly.

New trial denied, and judgment affirmed.

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Report confirmed.

R. H. Cummings agt. Chas. M. Graham.

Motion denied.

In the name of G. A. Troutman, a lessee.

Report confirmed.

Before Judge MITCHELL.

F. W. T. et al. Trustee, et al. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00, but by allowing

for the expenses of the suit, \$1,000 00.

Edward Phillips et al. Judgment for plaintiff for \$4,000 00.

Report confirmed.

Before Judge MITCHELL.

John Roberts agt. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00.

Report confirmed.

Before Judge MITCHELL.

John Roberts agt. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00.

Report confirmed.

Before Judge MITCHELL.

John Roberts agt. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00.

Report confirmed.

Before Judge MITCHELL.

John Roberts agt. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00.

Report confirmed.

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Judgment for plaintiff for \$4,000 00.

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Judgment for plaintiff for \$4,000 00.

Report confirmed.

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John Roberts agt. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00.

Report confirmed.

Before Judge MITCHELL.

John Roberts agt. Edward Phillips et al.

Judgment for plaintiff for \$4,000 00.

Report confirmed.

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Judgment for plaintiff for \$4,000 00.

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